

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELMER RENE HERNANDEZ,

Defendant.

8:21-CR-175

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture. [Filing 108](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On January 17, 2023, defendant entered into a plea agreement, pleading guilty to Count I, and admitting to the forfeiture of the Forfeiture Allegation of the Indictment. [Filing 106](#).
2. Count One charged defendant with conspiracy to distribute methamphetamine, in violation of [21 U.S.C. § 846](#).
3. The Forfeiture Allegation of the Indictment alleged the following property (hereinafter the "Property") derived from proceeds obtained (directly or indirectly) as a result of the violation and/or was used (or intended to be used) to commit or facilitate the violation:

Rock Island Armory Model 206 Handgun (Serial # RIA1828664);
Glock 22 .40 caliber handgun (Serial #WTT496);
Taurus .38 Special Revolver (Serial# MD98989);
Maverick Mossberg Model 88 12-gauge shotgun (Serial # MV84239R);
(2) 50 round drum magazines.
4. As a result of this plea, defendant's interest in the Property is forfeited to the United States.
5. As a result of this plea, defendant's interest in the Property is forfeited to the United States.
6. The United States is entitled to possession of the Property. [21 U.S.C. § 853](#).

7. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Motion for Preliminary Order of Forfeiture is hereby granted.

B. Defendant's interest in the Property is hereby forfeited to the United States. [21 U.S.C. § 853\(n\)\(1\)](#).

C. The United States is hereby authorized to seize the Property.

D. The United States shall hold the Property in its secure custody and control.

E. Pursuant to [21 U.S.C. §853\(n\)\(1\)](#), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the Property.

F. Pursuant to [21 U.S.C. § 853\(n\)\(2\)](#), notice shall provide that any person, other than defendant, having or claiming a legal interest in the Property must file a petition with this Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

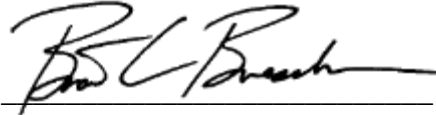
G. Pursuant to [21 U.S.C. § 853\(n\)\(3\)](#), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the Property and any additional facts supporting the petitioner's claim and the relief sought.

H. The \$13,400 United States currency seized from defendant on or about March 18, 202, is dismissed from the Forfeiture Allegation of the Indictment.

I. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture addressing all interests. [21 U.S.C. § 853\(n\)](#).

Dated this 20th day of January, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge